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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,215	07/01/2003	James I. McCartney	10210.3806	1214
22235	7590	03/24/2005	EXAMINER	
MALIN HALEY AND DIMAGGIO, PA 1936 S ANDREWS AVENUE FORT LAUDERDALE, FL 33316			PAIK, STEVE S	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,215

Applicant(s)

MCCARTNEY, JAMES I.

Examiner

Steven S. Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7-10 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7-10 and 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Receipt is acknowledged of the Amendment filed December 14, 2004. The amendment includes amended claims 1, 7, 8, and 15 and cancelled claims 3, 5, 6, and 11.

Claim Objections

2. Claim 4 is objected to because of the following informalities: claim 4 depends from a cancelled claim 3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, and 7-10 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al. (US 5,862,243, hereinafter Baker).

Re claim 1, Baker discloses a system (mail piece barcode evaluation station 10) and method for evaluating bar code quality on mail pieces (Abstract). The system comprises an optical detector (imaging device 32; col. 3, ll. 42-48) for obtaining an image of the mail piece information, a mail piece mover (transport system 25) for moving bulk mail including the mail piece (mail piece 34) through the system (10), and means for comparing (processor 50; col. 5, ll. 38-49) the bar code image with a database (barcode requirement data 52 and Look-up Table LUT 54) for detecting bar code errors concerning the mail piece bar code information, wherein the mail piece information includes a bar code (Figs 3-5) and database (barcode requirements

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data 52) comprises a data set of post office physical specification, where the post office specifications include specifications regarding the legibility of bar codes (col. 5, ll. 38-48; col. 7, ll. 23-45), means for generating a sampling error report (col. 5, ll. 49-63), and certification of the sampling comparisons (col. 6, ll. 33-55) and error rate for all functions (col. 3, line 63 – col. 4, line 7) based upon the sampling error report .

Re claim 2, Baker discloses the system as recited in rejected claim 1 stated above, wherein the database comprises a data set of data (col. 3, ll. 63+) sent to a printer head (38), wherein the printer head placed at least a portion of the mail piece information on the mail piece.

Re claim 4, Baker discloses the system as recited in rejected claims stated above, wherein the database further comprises an updated residency database (col. 4, ll. 8-14).

Re claim 7, Baker discloses a system (mail piece barcode evaluation station 10) and method for sampling bar code errors in a piece of mail (340). The system comprises, an optical image detection (32) for capturing an image of the mail piece bar code (354) information (col. 5, ll. 24-26), a bulk mail mover (transport system 25) for moving the piece of mail at least partway (28) through the system, and means for comparing (processor 50) the bar code image to at least one database (barcode requirement data 52 and Look-up Table LUT 54), including data correlated to the bar code information (54) on the piece of mail and data corresponding to post office bar code specifications (52) for a piece of mail, wherein the mail piece information includes a specifications (barcode requirements data 52) regarding the legibility of bar codes (col. 5, ll. 38-48; col. 7, ll. 23-45), means for generating a sampling error report (col. 5, ll. 49-63), and certification of the sampling comparisons (col. 6, ll. 33-55) and error rate for all functions (col. 3, line 63 – col. 4, line 7) based upon the sampling error report .

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Re claims 8 and 10, Baker discloses a system (mail piece barcode evaluation station 10) and method for sampling bar code errors in a piece of mail (340). The method comprises the steps of:

obtaining bar code data (via an imaging device 32) associated with a piece of mail (34);
performing (processor 50) an error detection check on the mail piece bar code data,
where the step of performing an error detection check includes the additional steps of comparing the optically captured image to post office bar code specification (barcode requirements data 52);
and

comparing the optical bar code image to the bar code information intended to be printed on the piece of mail (based on the barcode requirements data 52 and LUT 54);

generating an error sampling report (Fig. 5 shows one type of barcode readability report 700) including an error rate (Fig. 5 shows an example of a report showing the read rate (93.9%; the error rate then becomes 6.1% in the exemplary report) relating to the step of performing bar code error detection check; and

certifying the steps of comparing (col. 6, ll. 33-55) and error rate for all functions (col. 3, line 63 – col. 4, line 7).

Re claim 9, Baker discloses the method as recited in rejected claim 8 stated above, wherein the error detection report (700) allows the user of the method to bypass at least a portion of the post office mail piece error detection methods (Figure 5 discloses that Errors are in capitals, warnings in lower case and any error or 5 warnings fail the piece. This shows that a mail piece with warnings less than 5 can be processed and bypass a portion of the mail piece.).

Re claim 15, Baker discloses A system (10) for accurately reading an image and data associated with a piece of mail (34), comprising:

a computer (processor 50; col. 4, ll. 27-63) having an original database (actual address information) for printing information on a piece of mail;

a printer (38) for printing the information on a piece of mail using the original database (col. 50-54);

a reader (imaging device 32) of an image of the information printed on the piece of mail; and

means for comparing the image obtained from the reader with the original database and a second database (52 and 54; col. 2, ll. 22-26 and col. 7, ll. 1-12);

means for generating a sampling error report (col. 5, ll. 49-63), and certification of the sampling comparisons (col. 6, ll. 33-55) and error rate for all functions (col. 3, line 63 – col. 4, line 7) based upon the sampling error report .

Re claim 16, Baker discloses the system as recited in rejected claim 15 stated above, wherein the second database includes post office physical specifications (52; the requirements data 52 includes parameters to comparatively identify a variety of barcode defect states and evaluate severity of a given type of defect).

Re claim 17, Baker discloses the system as recited in rejected claim 15 stated above, wherein the second database (Look-up Table 54) includes updated residency information from the post office.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (US 5,862,243) in view of Ohkawa et al. (US 6,462,880).

Re claims 12-14, the teachings of Baker have been discussed above.

Baker is silent about an audible alarm for indicating mail pieces that fail the error detection check.

Ohkawa discloses a barcode reader provided with an indicator such as LED for informing the operator of the fact that the bar code cannot be read, a speaker for producing alarm sound, etc. The alert message or sound reminds the operator to take a proper action to appropriately correct the barcodes with an error.

In view of Ohkawa, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ an audible alarm in addition to the system for evaluating bar code quality on mail pieces of Baker due to the fact that more bar code data can be accurately processed for the purpose of increasing efficiency with barcode reading.

7. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (US 5,862,243) in view of Dickson et al. (US 6,158, 659).

Re claims 18 and 19, the teachings of Baker have been discussed above.

Baker does not explicitly disclose a strobe light for illuminating the pieces of mail and having a variable frequency strobe.

Dickson discloses a laser scanning system laser scanning system shown in FIGS. 45A and 45B; a high-intensity two-color strobe light subsystem 200 and a two-pitch loudspeaker subsystem 201 interfaced with system controller 42, for informing an operator that the system has successfully read (i.e., identified) a bar-coded package moving along its high-speed conveyor belt; and a bar code presence detection subsystem. It is necessary for a scanning device to include a light-emitting element. The two-color strobe light subsystem provides a user with variable frequencies for accurate readings of bar-coded data.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have incorporated the high intensity two-color strobe light subsystem as taught by Dickson into the teachings of Baker for the purpose of reading barcode information with lower error rates.

Response to Arguments

8. Applicant's arguments filed December 14, 2004 have been fully considered but they are not persuasive.

Rejections under 35 U.S.C. § 102 (b)

The applicant argues that Baker, the primary reference, does not disclose each and every element of the claimed invention (page 7). The applicant further states that the feature of a “means for generating a sampling error report” and a “certification of the sampling comparisons

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and error rate” have been added to claims 1, 7, 8, and 15 to more clearly recite the subject matter (page 8).

The examiner respectfully disagrees. Baker discloses a step of generating a defective bar codes with corresponding defect indicators and images of failed accuracy comparisons (Fig. 2b). He further discloses a predetermined sample size number, which the sampling error report uses for calculating error rate. And the sampling error report certifies the detected error and the severity levels of the failed or unreadable bar codes.

Accordingly, it is interpreted that Baker reference discloses each and every elements of the claimed invention.

Rejections under 35 U.S.C. § 103 (a)

The applicant requests withdrawing of rejections under 35 U.S.C. § 103 (a) since the primary reference, Baker, fails to teach added feature by this amendment.

As discussed above, it is interpreted that Baker reference discloses each and every elements of the amended independent claims.

In light of above discussion, claims 1, 2, 4, 7-10, and 12-19 remain rejected under 35 U.S.C. § 102 (b) or 35 U.S.C. § 103 (a).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**


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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Mon - Fri (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven S. Paik
Primary Examiner
Art Unit 2876

ssp